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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,557	01/25/2000	Clifton E. Scott	QCPA990422	7293

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
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EXAMINER

MILORD, MARCEAU

ART UNIT PAPER NUMBER

2682

DATE MAILED: 05/21/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/490,557

Applicant(s)

SCOTT, CLIFTON E.

Examiner

Marceau Milord

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy, III et al. (US Patent No 6405033 B1) in view of Sladek et al (US Patent No 6718178 B1).

Regarding claims 26-28, Kennedy et al discloses a method of responding to a call in a wireless communication device (fig. 1) comprising: accepting (12 of fig. 1) an incoming call (col. 1, lines 53-64); displaying (22 of fig. 1) the source of the call (col. 2, lines 41-53; col. 3, lines 54-67; col. 4, lines 12-22); detecting (38 of fig. 1) a first input (col. 4, lines 32-45; col. 4, lines 55-col. 5, line 47; col. 6, lines 34-45; col. 9, lines 49-65; col. 26, lines 35-65; col. 29, lines 43-60).

However, Kennedy does not specifically disclose the steps of responding to the first input by providing a prerecorded message in response to the incoming call; and accepting a second input to terminate the prerecorded message and answer the call; wherein providing a prerecorded

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message in response to the incoming call further comprises accepting a third input to repeat the prerecorded message.

On the other hand, Sladek et al, from the same field of endeavor, discloses an automatic messaging system for a telecommunications network. A call processing entity such as a switch or central control point recognizes a call-processing event and responsively generates and sends an informational message to a specified destination (col. 8, lines 21-67; col. 9, line 13- col. 10, line 28). Furthermore, Sladek shows in figure 8, a central control point that comprises a database of subscriber profiles where each subscriber profile may be keyed to a subscriber identification number. In operation, when the central control point 34 receives a TCAP message, its core service logic will parse the message to identify the subscriber and will query the subscriber profile database to determine what services the subscriber subscribes. In addition, when the central control point receives the TCAP message, its core service logic responsively parses the message and stores the parameters of the message in memory (col. 13, line 30- col. 14, line 64). For instance, the logic might state that, when terminal 68 in figure 10 originates or terminates a particular type of message, SCP should invoke service logic to send an SMS message to mobile station 82 (figs. 8-10; col. 15, line 10- col. 16, line 28; col. 17, lines 1-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Sladek to the communication system of Kennedy in order to invoke an application on another entity to generate the short message service message and send the SMS message or to obtain guidance about sending the SMS message.

Claim 29 contains similar limitations addressed in claims 26-28, and therefore is rejected under a similar rationale.

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Regarding claim 30, Kennedy et al as modified discloses a method of responding to a call in a wireless communication device (fig. 1), wherein displaying the source of the call further comprises: using Caller ID information to determine the source of the call; and displaying information related to the Caller ID information (col. 5, lines 6-15; col. 4, lines 12-40; col. 13, lines 20-65).

Response to Arguments

2. Applicant's arguments with respect to claims 26-30 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 703-306-3023. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Examiner

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